

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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THOMAS L. WILLIAMS,

Plaintiff

v.

VETERANS AFFAIRS, *et. al.*,

Defendants.

Case No. 3:23-CV-00433-ART-CLB

**ORDER DENYING APPLICATION TO
PROCEED *IN FORMA PAUPERIS* AND
ORDERING PLAINTIFF TO PAY FILING
FEE OR FILE COMPLETE APPLICATION
TO PROCEED *IN FORMA PAUPERIS***

[ECF No. 1]

I. DISCUSSION

On August 30, 2023, Plaintiff Thomas L. Williams ("Williams"), an inmate in the custody of Washoe County Detention Center filed a civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1-1.) Williams also filed an application to proceed *in forma pauperis*, (ECF No. 1), however the application is incomplete and is therefore denied.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and

(3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period.**

The Court will grant Williams a **one-time** opportunity to file a fully complete application to proceed *in forma pauperis* containing all three of the required documents, or in the alternative, pay the full \$402 filing fee for this action on or before **Friday**,

1 **September 29, 2023.** Absent unusual circumstances, the Court will not grant any further
2 extensions of time.

3 If Williams is unable to file a fully complete application to proceed *in forma pauperis*
4 with all three required documents or pay the full \$402 filing fee on or before **Friday,**
5 **September 29, 2023,** this case will be subject to dismissal without prejudice for Williams
6 to file a new case with the Court when Williams is either able to acquire all three of the
7 documents needed to file a fully complete application to proceed *in forma pauperis* or
8 pays the full \$402 filing fee.

9 A dismissal without prejudice means Williams does not give up the right to refile
10 the case with the Court, under a new case number, when Williams has all three
11 documents needed to submit with an application to proceed *in forma pauperis*.
12 Alternatively, Williams may choose not to file an application to proceed *in forma pauperis*
13 and instead pay the full filing fee of \$402 on or before **Friday, September 29, 2023** to
14 proceed with this case.

15 The Court will retain Williams's complaint (ECF No. 1-1), but the Court will not file
16 the complaint unless and until Williams timely files a fully complete application to proceed
17 *in forma pauperis* with all three documents or pays the full \$402 filing fee.

18 **II. CONCLUSION**

19 For the foregoing reasons, **IT IS ORDERED** that Williams's application to proceed
20 *in forma pauperis*, (ECF No. 1), is **DENIED**.

21 **IT IS FURTHER ORDERED** that the Clerk of the Court will **SEND** Williams the
22 approved form application to proceed *in forma pauperis* by an inmate, as well as the
23 document entitled information and instructions for filing an *in forma pauperis* application.

24 **IT IS FURTHER ORDERED** that on or before **Friday, September 29, 2023,**
25 Williams will either pay the full \$402 filing fee for a civil action (which includes the \$350
26 filing fee and the \$52 administrative fee) or file with the Court:

- 27 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this
28 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two

1 signatures on page 3),

2 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
3 official (i.e. page 4 of this Court's approved form), and

4 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
5 **previous six-month period.**

6 **IT IS FURTHER ORDERED** that, if Williams does not file a fully complete
7 application to proceed *in forma pauperis* with all three documents or pay the full \$402
8 filing fee for a civil action on or before **Friday, September 29, 2023**, this case will be
9 subject to dismissal without prejudice for Williams to refile the case with the Court, under
10 a new case number, when Williams has all three documents needed to file a complete
11 application to proceed *in forma pauperis* or pays the full \$402 filing fee.

12 **IT IS FURTHER ORDERED** that the Clerk of the Court will retain the complaint
13 (ECF No. 1-1) but will not file it at this time.

14 **IT IS SO ORDERED.**

15 **DATED:** August 30, 2023.

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UNITED STATES MAGISTRATE JUDGE